

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 10, 2005

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Petersen.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin (arrived at 10:05 p.m.), Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, Planning, Building, and Public Works Director Grant Fredricks, Finance Director Paula Henderson, Assistant City Engineer Loren Reinhold, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Lala Klemman, 24804 9th Place South

Ms. Klemman spoke in favor of establishing a police substation. She told Council to listen to the Chief of Police and consider the substation package.

Jack Kniskern, 22602 13th Avenue South

On behalf of the Rotary Club, Mr. Kniskern thanked Council for their support of the Dictionaries by the Dozen program last year and asked Council to continue their support of the program this year. He invited Council to attend the dictionary distribution ceremony at North Hill Elementary School on November 30, 2005.

Bob Pond, 23116 30th Avenue South

In regard to the failed levy lid lift proposition, Mr. Pond said that people were tired of taxes. The City should spend wisely and live within its income. He stated that police personnel should be increased as the City could afford to do so. While the Redondo substation package was a good deal, Mr. Pond said that the City did not have the money to pursue the project at this time. He thanked Councilmembers Benjamin, Petersen, and Steenrod for their service and direct involvement with the voters.

BOARD AND COMMITTEE REPORTS

Economic Development

Councilmember Steenrod reported that she had attended a Prosperity Partnership meeting. The goals of the committee were to address education, transportation, and taxation. She distributed materials from the meeting to Council.

Youth Programs

Referencing the National League of Cities' newsletter, Councilmember Steenrod encouraged Council to provide programs for youths.

Correspondence from Wesley Gardens

Councilmember Steenrod read a portion of a letter received from Wesley Gardens regarding their good experience with the City's development department.

Consent Calendar Item No. 3

Councilmember Sherman urged Council to approve the South County Area Transportation Board agreement. He said that the agreement was essentially the same as the current agreement except for the addition of a \$50 annual contribution.

King County Landmarks Economic Development Committee

Councilmember White reported that she and Park and Recreation Director Thorell attended a meeting with the King County Landmarks Economic Development Committee to review the preliminary designs for the Des Moines Beach Park restoration project.

COUNCILMEMBER COMMENTS

King County Elections

Councilmember Steenrod reported that 41% of the absentee ballots had been counted and the results of the election were not yet finalized.

Department of Archaeology and Historic Preservation

Councilmember Sherman read an excerpt of a letter from State Historic Preservation Officer Allyson Brooks voicing support for the City's grant application for Des Moines Beach Park Historic District/Covenant Beach Bible Camp.

Correspondence from Wesley Homes

In reference to the letter previously mentioned by Councilmember Steenrod, Councilmember Sherman read an additional excerpt recognizing the professionalism of staff.

Levy Lid Lift

Councilmember Sherman reviewed the history of the levy lid lift measure. He asked Council to place a levy lid lift measure to increase public safety on the ballot next year. He proposed that the amount of the lid lift be the difference between \$1.16 and \$1.60 and for a shorter period of time. Councilmember Sherman also urged the City to treat the recent Nazi activity as gang activity. He encouraged the public to donate financial support to groups that oppose hate-crimes. Councilmember Sherman asked staff to bring back a levy lid lift proposal for Council's consideration next week.

Election Results

Councilmember White thanked the voters for their support.

Redondo Substation

In regard to Ms. Klemman's comments, Councilmember White said that she still hoped the substation could be developed.

Survey of Businesses

Councilmember Petersen suggested that Des Moines follow the example of the City of SeaTac and survey City businesses regarding their treatment.

City of Kent Highway 99 Project

Mayor Pro Tem Thomasson asked administration to discuss with Kent officials possible methods to alleviate traffic congestion through the construction area.

Council Packet Materials

Mayor Pro Tem Thomasson said that the Council rules require agenda items to be available at least 72 hours before a meeting. He noted that several items have recently been provided late.

PRESIDING OFFICER'S REPORT

Levy Lid Lift

Mayor Sheckler voiced agreement with Councilmember Sherman's comments regarding the levy lid lift. He said that the Nazi Party was operating in Des Moines.

Veteran's Day

Mayor Sheckler urged citizens to acknowledge and thank veterans for their service on Veteran's Day.

ADMINISTRATION REPORT

Comments from the Public, October 27, 2005 – Mr. Parker

City Manager Piasecki informed Council that Chief of Police Baker was preparing a written statement in response to Mr. Parker's comments regarding police services in the Redondo Square area.

Correspondence from Wesley Gardens

City Manager Piasecki said that staff's communication of the permitting requirements and regulations early in the permitting process contributed to the success of the project.

Code Enforcement

Planning, Building, and Public Works Director Fredricks informed Council that 228 code enforcement cases were currently open. The cases focused on the following areas:

Health & Debris - 112
Vehicle and Vehicle Repair – 42
Building – 25
Business Licenses & Illegal Businesses – 21
Other – 28

Councilmember White said that the City should consider adopting fines for non-compliance. She encouraged staff to have volunteers assist with basic code enforcement duties.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy:

1. Motion is to approve the special minutes of October 8, and the regular minutes of October 13, 20 and 27, 2005.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #101557 through #101738 & electronic fund transfers in the total amount of \$779,446.21

Payroll fund transfers in the total amount of \$408,118.91

3. Motion is to approve entering into an agreement with South County Area Transportation Board for a period of three years, ending December 31, 2008, authorize the City to make an annual contribution of \$50.00, and for the City Manager to sign said agreement substantially in the form as submitted.

~~4. Motion is to approve the establishment of a Marina Rate Citizens Ad Hoc Advisory Committee that would be responsible for: 1) Meeting with the staff and consultant on a regular basis during the project, 2) Review and make recommendations on the rate structure as the staff and consultants develop it, 3) review and make recommendations on the surveys the staff and consultant conduct on the rates and fees in the local marina industry and, 4) Prepare a report to the City Council that concurs with/disagrees with the findings and results of the study. The members of the Committee are to be appointed by the Mayor and confirmed by the City Council.~~

5. Motion is to approve the change order to the agreement with Moffatt & Nichol Engineers for the amount of \$16,205.00 and a 10% contingency, for a total of \$17,825.00 for providing professional services for the Des Moines Marina Master Plan Update Project, and authorize the City Manager to sign the change order, substantially in the form as submitted.

Mayor Pro Tem Thomasson removed Item No. 4.

Councilmember Steenrod suggested that information regarding whether a Council committee has reviewed an agenda item and the committee's recommendation be added to the agenda item's coversheet.

MOTION was made by Councilmember Sherman, seconded by Councilmember Steenrod, and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDAR ITEM

Formation of a Marina Rate Study Citizen's Ad Hoc Advisory Committee

Mayor Pro Tem Thomasson recommended that the motion identify when the committee will be disbanded.

City Manager Piasecki suggested that the committee disband after the presentation of their report to Council. **8:14:30**

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, and passed unanimously to approve the establishment of a Marina Rate Citizens Ad Hoc Advisory Committee that would be responsible for: 1) Meeting with the staff and consultant on a regular basis during the project, 2) Review and make recommendations on the rate structure as the staff and consultants develop it, 3) Review and make recommendations on the surveys that staff and consultant conduct on the rates and fees in the local marina industry and, 4) Prepare a report to the City Council that concurs with/disagrees with the findings and results of the study. The members of the Committee are to be appointed by the Mayor and confirmed by the City Council. The Committee will disband upon delivery of their report to Council.

PUBLIC HEARING

Public Hearing Regarding Year 2006 Special and General Property Tax Levies

Mayor Sheckler opened the public hearing and noted that the public hearing rules were available.

The speaker, Ed Pina, confirmed that he was comfortable with the rules not being read.

Finance Director Henderson displayed a chart of the proposed property tax estimate. She reviewed the anticipated impact to the homeowners.

SPEAKER

Ed Pina, 24219 7th Avenue South

Mr. Pina said that the City must do what it can to restore police services to their 1999 level. He voiced strong support for the security of the citizens. Mr. Pina encouraged Council to develop a recovery plan for the City's current financial situation.

Mayor Sheckler called for additional speakers three times.

None responded.

Mayor Sheckler closed the public hearing.

MOTION was made by Councilmember White and seconded by Councilmember Sherman to suspend Rule 26(b) in order to enact Draft Ordinance No. 05-227 on first reading.

Upon questioning from Mayor Pro Tem Thomasson, Finance Director Henderson explained that the property tax estimates were set high to ensure that the city was given its maximum allowable amount.

Mayor Pro Tem Thomasson said that he was not comfortable adopting an amount higher than the actual amount.

City Attorney Marousek suggested that the proposed ordinance be amended to read "an amount not greater than". In addition, she recommended that a new Section 3 be inserted which states that the file number will be calculated by King County and supplied to the City.

Mayor Pro Tem Thomasson said that he would vote against the motion on the floor in order to allow time for Council to see the revised draft ordinance.

The maker and seconder of the motion **withdrew their motion.**

MOTION was made by Councilmember Sherman and seconded by Councilmember White to move Draft Ordinance No. 05-227 to a second reading at the next available meeting.

Councilmember Sherman confirmed that the intent of his motion was to incorporate the new verbiage "no greater than" and the new section 3 into the draft ordinance.

City Manager Piasecki read the title of the proposed ordinance into the record.

VOTE ON MOTION: Motion passed unanimously.

Highline Community College – Shoreline Conditional Substantial Development Permit

Mayor Sheckler opened the public hearing and administered an oath to the speakers. As the hearing was a quasi-judicial matter, he questioned whether any Councilmember had any conflicts.

None were reported.

At 8:31 p.m., Mayor Sheckler announced a one-minute break to be followed by a five minute recess.

At 8:32 p.m., City Manager Piasecki announced that the Mayor had declared a fifteen-minute break.

Mayor Sheckler announced that Gene White would not speak during the hearing in order to maintain an appearance of fairness.

Land Use Planner Sullivan presented a PowerPoint presentation regarding the proposed project (Exhibit 1). He asked Council to review the approval criteria for the Shoreline Conditional Substantial Development Permit, to determine if the proposed project satisfies the criteria, and to either approve, approve with conditions, or disapprove the shoreline permit per DMMC 18.56.180(2). He showed an aerial photo and zoning map of the area and described the location. A photo of the existing facility and a conceptual drawing of the proposed facility were displayed. Land Use Planner Sullivan reviewed the following criteria subject to consideration:

- Access
- Usage
- Marine Ecology
- Neighborhood Impacts
- Public Interest

SPEAKERS

Chris Finch, 112th Avenue NE, Bellevue

As the architect for the project, Mr. Finch said that Land Use Planner Sullivan had accurately described the project in full. He noted that the proposal was for a modernization of an existing facility. Mr. Finch said that he was available to answer architectural questions.

Gene Achziger, 28708 Soundview Drive South

Mr. Achziger voiced appreciation for the college's effort to update the facility but said that it was unacceptable to review the project without addressing the parking issue. Mr. Achziger said that traffic congestion was horrible and dangerous in the area. He noted that the college mentioned using the facility as a public meeting and aquamarine space. These uses would impact the area during extended hours. Mr. Achziger urged Council to consider whether a similar structure would be allowed to be developed today with the current parking situation. He also asked Council to consider the potential use of the facility. If Council should approve the project, Mr. Achziger recommended that the City require the college to improve existing parking and safety

through curb, gutter, and sidewalk improvements on Redondo Way South between Beach Drive and Soundview Drive.

Doug Andrews, 27211 7th Place South

Mr. Andrews said that there was limited beach in the area. He recommended that the community provide input to determine the potential of the area. He encouraged Council to ensure the project was done well rather than just take the first idea.

Mayor Sheckler called for additional speakers three times.

None responded.

Upon questioning from Councilmember Sherman, Land Use Planner Sullivan noted that the college had proposed off-site parking to meet the parking requirements. Parking would be reviewed during the design review phase of the project. Land Use Planner Sullivan informed Council that the project was a Type 1 land use action. He reiterated the review parameters before Council

Mayor Pro Tem Thomasson stated that Attachment Nos. 7 and 8 were missing from his packet. He said that Council could limit the use of the facility to address parking concerns.

Land Use Planner Sullivan noted that a Change of Use permit would be required if the use of the building changed.

In response to Mayor Pro Tem Thomasson's questioning, Project Manager Philip Sell said that the existing facility had been certified as structurally sound.

Land Use Planner Sullivan said that the height of the proposed building would be measured from the mean sidewalk grade in front of the building.

Bob Maplestone, Manager of the Marine Program at Highline Community College, said that the college hoped to make the facility more user-friendly and attractive. The college had no plans to increase its number of classes.

Councilmember White said that the parking issue had not been appropriately addressed. She stated that more input from the public was necessary.

Councilmember Steenrod commented that she had not heard any information indicating that the project would adversely affect the shoreline.

Councilmember Sherman voiced concern with parking as it deals with access to the facility.

Land Use Planner Sullivan responded to the following questions posed by City Attorney Marousek:

Did the SEPA Official review parking?

Answer: Yes.

What was the result of the SEPA review?

Answer: There would be no long-term substantial impact to the project based upon its size and the mitigation already required by the Code.

Was proper SEPA notice provided?

Answer: Yes. Notification was provided to property owners with 300 feet of the area, twice in the newspaper, and a sign was posted in the area.

Were any appeals or comments received to SEPA?

Answer: Yes, from Salty's Restaurant.

Were any appeals or comments regarding parking received during the SEPA process?

Answer: There was a conversation regarding parking but no appeal was filed. The SEPA appeal period expired September 23, 2005.

Is there any other criteria beside the six items mentioned that Council can consider?

Answer: No.

Is the duty to review parking specifically set by Code?

Answer: Yes, in DMMC 18.44.

City Attorney Marousek advised that Council would be exceeding its authority to go beyond the identified criteria.

At 9:38 p.m., Mayor Sheckler declared a five-minute break.

Development Services Manager Ruth recommended that Council allow staff to work with the applicant to address the identified issues. He said that the applicant had indicated that a two to six week delay was acceptable. He asked Council to provide staff with their specific questions.

In response to Mayor Pro Tem Thomasson's questioning, Land Use Planner Sullivan said that the SEPA review had been performed on the entire project. The college had proposed utilizing the City parking lot for parking. He noted that a usage agreement was currently in place.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Thomasson, and passed unanimously to extend the hearing to December 8, 2005.

Development Services Manager Ruth asked Council to provide their written comments to staff within one week.

OLD BUSINESS

Draft Ordinance No. 05-228 Surface Water Management Rates – 1st Reading

City Manager Piasecki introduced the subject. He noted that the ordinance must be adopted by November 30, 2005 in order to take affect January 1, 2006.

Assistant City Engineer Reinhold reviewed the service rate analysis.

Mayor Pro Tem Thomasson recommended that the last sentence of Section 1 of the proposed ordinance be deleted as the provisions were not possible.

In response to Councilmember Steenrod's questioning, Project Consultant Nihat Dogan from Financial Consulting Solutions Group explained the formula for determining the capital improvement rate.

At 10:05 p.m., Councilmember Benjamin arrived at the meeting.

Councilmember Sherman stated his preference for the third option as there would be no significant jump in rates for any given year.

MOTION was made by Councilmember Sherman, seconded by Councilmember Petersen to move Draft Ordinance No. 05-288 to a second reading on November 17, 2005.

Councilmember Sherman voiced his expectation that the item come back to Council as a consent item.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, and passed unanimously to substitute the third method on Attachment 3 (phased with inflation added plus additional 1/3 FTE Maintenance Worker) and correct the verbiage.

VOTE ON MAIN MOTION: Motion passed unanimously.

At 10:14 p.m., **motion** was made by Councilmember Steenrod and seconded by Councilmember White to adjourn the meeting. **VOTE ON MOTION:** Motion failed, 3 – 4, with Councilmembers Petersen, Steenrod, and White voting "YES".

2006 Budget – Policy Issues and Recap

Finance Director Henderson briefly highlighted the following policy issues before Council:

- New staff addition
- Other new requests
- Unrestricted gas tax
- MCI transfer
- Transfer to Revenue Stabilization Fund
- Balancing structural deficit with one-time revenues

She displayed a chart of the general and street funds recap.

Council concurred with the following proposals:

- Hearing Examiner Fees
- King County Animal Control Fees
- Computer Maintenance and Replacement Fee
- Arc GIS/View Annual Maintenance Fee
- Credit Card Merchant Fees
- Increase FTE from .33 to .40 Maintenance Superintendent

Council agreed that the Capital Improvement Plan Coordinator position be discussed during the CIP presentation.

City Manager Piasecki informed Council that staff may propose a method to fund the crack sealer and thermal plastic application through the Equipment Rental fund.

In response to Mayor Pro Tem Thomasson's comments regarding the proposed Redondo Police substation, City Manager Piasecki said that staff would try to quantify the correlation between sales tax and crime in the Redondo Square area.

ADJOURNMENT

At 10:29 p.m., **motion** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Petersen and passed unanimously to adjourn.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEMS FROM MEETING OF NOVEMBER 10, 2005

- Revise Draft Ordinance No. 05-277 per Council direction.
- Revise Draft Ordinance No. 05-228 per Council direction.
- Quantify the correlation between sales tax and crime in the Redondo Square area.